

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul A. Stucky
Serial Number: 10/598,044
Filed: 08/16/2006
Group Art Unit: 2837
Examiner: Chan, Kawing
Confirmation No.: 9489
Title: ELECTRICAL SIGNAL APPLICATION STRATEGIES
FOR MONITORING A CONDITION OF AN ELEVATOR
LOAD BEARING MEMBER

RESPONSE

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Non-Final Office Action mailed on May 4, 2009. Applicant respectfully requests reconsideration of this application.

Applicant respectfully traverses all rejections under 35 U.S.C. §103. Each of those rejections is based upon the proposed combination of the *Robar* and *Blain, et al.* reference. The proposed combination cannot be made and there is no *prima facie* case of obviousness.

The *Robar* reference teaches on page 9, line 5, that the current source is a *constant* current source. It is not possible, therefore, to modify the *Robar* reference to include a pulsed current because that would not be constant. Modifying the *Robar* reference in this way would remove an intended feature from that reference. Such a modification cannot be made when attempting to manufacture a *prima facie* case of obviousness, as explained, for example, in MPEP 2143.01(V) and (VI).

Additionally, introducing a pulsed current would be the opposite of a constant current because the pulses are not constant (e.g., the opposite of constant). A reference cannot be modified to operate in a manner that is the opposite of what is disclosed in that reference.

Additionally, the proposed combination cannot be made because the duty cycle information from the *Blain, et al.* reference has nothing to do with a tension member in an elevator load bearing assembly or anything to do with applying a current to such a tension member. Instead, the *Blain, et al.* reference is concerned with an elevator door operator. Controlling current for operating elevator doors has no relevance to monitoring an elevator load bearing tension member. Therefore, the proposed combination cannot be made because the teachings of the *Blain, et al.* reference have nothing to do with the teachings of the *Robar* reference.

There is no *prima facie* case of obviousness against any of Applicant's claims because every rejection depends upon the improper combination of the *Robar* and *Blain, et al.* references. There are various reasons, mentioned above, for why those two references cannot be combined as proposed. There is no *prima facie* case of obviousness. All rejections must be withdrawn.

Applicant respectfully submits that this case is in condition for allowance.

Respectfully submitted,

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Dated: August 4, 2009

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